

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

POKERSTARS; et al.,

Defendants;

ALL RIGHT, TITLE AND INTEREST IN
THE ASSETS OF POKERSTARS; etc., et al.,

Defendants-In-Rem.

Civil Action No.: 11-cv 02564-LBS

VERIFIED ANSWER OF ROBB EVANS OF
ROBB EVANS & ASSOCIATES LLC,
RECEIVER TO FIRST AMENDED
COMPLAINT

COMES NOW, Robb Evans of Robb Evans & Associates LLC, in his capacity as Receiver (“Receiver”) appointed pursuant to the Preliminary Injunction Order issued in the case of *Federal Trade Commission v. Jeremy Johnson, etc., et al.*, United States District Court, District of Nevada, Case No. 2:10-cv-02203-RLH-GWF (“FTC Action”), and answers the Verified First Amended Complaint as follows:

1. Answering paragraph 1, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

2. Answering paragraph 2, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

3. Answering paragraph 3, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

4. Answering paragraph 4, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

5. Answering paragraph 5, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

6. Answering paragraph 6, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

7. Answering paragraph 7, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

8. Answering paragraph 8, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

9. Answering paragraph 9, the Receiver admits that the Indictment attached to the First Amended Complaint speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

10. Answering paragraph 10, the Receiver admits that the Complaint speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

11. Answering paragraph 11, the Receiver admits that the Complaint speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

12. Answering paragraph 12, the Receiver admits that the Karaka Declaration attached as Exhibit B to the First Amended Complaint speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

13. Answering paragraph 13, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

14. Answering paragraph 14, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

15. Answering paragraph 15, the Receiver admits that the Full Tilt Poker Domain Use Agreement attached as Exhibit J to the First Amended Complaint speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

16. Answering paragraph 16, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

17. Answering paragraph 17, the Receiver admits the allegations therein contained.

18. Answering paragraph 18, the Receiver admits that the venue is proper in this District. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

19. Answering paragraph 19, the Receiver admits that the venue is proper in this District. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

20. Answering paragraph 20, the Receiver admits that the venue is proper in this District. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

21. Answering paragraph 21, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

22. Answering paragraph 22, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

23. Answering paragraph 23, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

24. Answering paragraph 24, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

25. Answering paragraph 25, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

26. Answering paragraph 26, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

27. Answering paragraph 27, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

28. Answering paragraph 28, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

29. Answering paragraph 29, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

30. Answering paragraph 30, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

31. Answering paragraph 31, the Receiver admits the allegations therein contained.

32. Answering paragraph 32, the Receiver admits that the UIGEA speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

33. Answering paragraph 33, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

34. Answering paragraph 34, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

35. Answering paragraph 35, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

36. Answering paragraph 36, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

37. Answering paragraph 37, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

38. Answering paragraph 38, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

39. Answering paragraph 39, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

40. Answering paragraph 40, the Receiver admits the first sentence of this paragraph. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

41. Answering paragraph 41, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

42. Answering paragraph 42, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

43. Answering paragraph 43, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

44. Answering paragraph 44, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

45. Answering paragraph 45, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

46. Answering paragraph 46, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

47. Answering paragraph 47, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

48. Answering paragraph 48, the Receiver admits the first sentence of this paragraph and admits that Campos and SunFirst agreed to accept gambling processing and solicited and obtained an investment of \$3.4 million from Elie's Partner. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

49. Answering paragraph 49, the Receiver admits the allegations therein contained, except that the Receiver lacks knowledge or information sufficient to form a belief as to the amount earned by SunFirst Bank for processing payments for Poker Stars and Full Tilt Poker, and based thereon denies those allegations.

50. Answering paragraph 50, the Receiver admits the allegations contained in paragraph 50(i). Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

51. Answering paragraph 51, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

52. Answering the paragraph erroneously referred to as paragraph 44 starting on page 36, the Receiver admits the allegations therein contained.

53. Answering paragraph 52, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

54. Answering paragraph 53, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

55. Answering paragraph 54, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

56. Answering paragraph 55, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

57. Answering paragraph 56, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

58. Answering paragraph 57, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

59. Answering paragraph 58, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

60. Answering paragraph 59, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

61. Answering paragraph 60, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

62. Answering paragraph 61, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

63. Answering paragraph 62, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

64. Answering paragraph 63, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

65. Answering paragraph 64, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

66. Answering paragraph 65, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

67. Answering paragraph 66, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

68. Answering paragraph 67, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

69. Answering paragraph 68, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

70. Answering paragraph 69, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

71. Answering paragraph 70, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

72. Answering paragraph 71, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

73. Answering paragraph 72, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

74. Answering paragraph 73, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

75. Answering paragraph 74, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

76. Answering paragraph 75, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

77. Answering paragraph 76, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

78. Answering paragraph 77, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

79. Answering paragraph 78, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

80. Answering paragraph 79, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

81. Answering paragraph 80, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

82. Answering paragraph 81, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

83. Answering paragraph 82, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

84. Answering paragraph 83, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

85. Answering paragraph 84, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

86. Answering paragraph 85, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

87. Answering paragraph 86, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

88. Answering paragraph 87, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

89. Answering paragraph 88, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

90. Answering paragraph 89, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

91. Answering paragraph 90, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

92. Answering paragraph 91, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

93. Answering paragraph 92, the Receiver admits the Affidavit of FBI Special Agent Rebecca E. Vassilakos attached as Exhibit C to the First Amended Complaint speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

94. Answering paragraph 93, the Receiver admits the Affidavit of FBI Special Agent Dana Conte attached as Exhibit D to the First Amended Complaint speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

95. Answering paragraph 94, the Receiver admits the Affidavit of FBI Special Agent Rebecca E. Vassilakos attached as Exhibit E to the First Amended Complaint speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

96. Answering paragraph 95, the Receiver admits the Affidavit of FBI Special Agent Rebecca E. Vassilakos attached as Exhibit F to the First Amended Complaint speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

97. Answering paragraph 96, the Receiver admits the Affidavit of FBI Special Agent Dana Conte attached as Exhibit G to the First Amended Complaint speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

98. Answering paragraph 97, the Receiver admits the Affidavit of FBI Special Agent Rosemary Karaka attached as Exhibit H to the First Amended Complaint speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

99. Answering paragraph 98, the Receiver admits the Affidavit of FBI Special Agent Rosemary Karaka attached as Exhibit I to the First Amended Complaint speaks for itself. Except insofar as expressly admitted, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

100. Answering paragraph 99, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

101. Answering paragraph 100, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

102. Answering paragraph 101, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

103. Answering paragraph 102, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

104. Answering paragraph 103, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

105. Answering paragraph 104, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

106. Answering paragraph 105, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

107. Answering paragraph 106, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

108. Answering paragraph 107, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

109. Answering paragraph 108, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

110. Answering paragraph 109, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

111. Answering paragraph 110, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

112. Answering paragraph 111, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

113. Answering paragraph 112, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

114. Answering paragraph 113, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

115. Answering paragraph 114, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

116. Answering paragraph 115, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

117. Answering paragraph 116, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

118. Answering paragraph 117, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

119. Answering paragraph 118, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

120. Answering paragraph 119, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

121. Answering paragraph 120, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

122. Answering paragraph 121, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

123. Answering paragraph 122, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

124. Answering paragraph 123, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

125. Answering paragraph 124, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

126. Answering paragraph 125, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

127. Answering paragraph 126, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

128. Answering paragraph 127, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

129. Answering paragraph 128, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

130. Answering paragraph 129, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

131. Answering paragraph 130, the Receiver repeats and realleges his answers to paragraphs 1 through 129 as if fully set forth herein.

132. Answering paragraph 131, the Receiver admits that the provisions of Title 18, U.S.C. §1955(d) speak for themselves.

133. Answering paragraph 132, the Receiver admits that the provisions of Title 18, U.S.C. §981(a)(1)(C) speak for themselves.

134. Answering paragraph 133, the Receiver admits that the provisions of Title 18, U.S.C. §1956(c)(7), 18 U.S.C. §1961(1), and 18 U.S.C. §1955 speak for themselves.

135. Answering paragraph 134, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

136. Answering paragraph 135, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

137. Answering paragraph 136, the Receiver repeats and realleges his answers to paragraphs 1 through 129 as if fully set forth herein.

138. Answering paragraph 137, the Receiver admits that the provisions of Title 18, U.S.C. §981(a)(1)(C) speak for themselves.

139. Answering paragraph 138, the Receiver admits that the provisions of Title 18, U.S.C. §1956(c)(7), 18 U.S.C. §1961(1), 18 U.S.C. §1343 and 18 U.S.C. §1344 speak for themselves.

140. Answering paragraph 139, the Receiver admits that the provisions of Title 18, U.S.C. §1349 speak for themselves.

141. Answering paragraph 140, the Receiver admits that the provisions of Title 18, U.S.C. §1343 speak for themselves.

142. Answering paragraph 141, the Receiver admits that the provisions of Title 18, U.S.C. §1344 speak for themselves.

143. Answering paragraph 142, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

144. Answering paragraph 143, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

145. Answering paragraph 144, the Receiver repeats and realleges his answers to paragraphs 1 through 129 as if fully set forth herein.

146. Answering paragraph 145, the Receiver admits that the provisions of Title 18, U.S.C. §981(a)(1)(A) speak for themselves.

147. Answering paragraph 146, the Receiver admits that the provisions of Title 18, U.S.C. §1956 speak for themselves.

148. Answering paragraph 147, the Receiver admits that the provisions of Title 18, U.S.C. §1956 speak for themselves.

149. Answering paragraph 148, the Receiver admits that the provisions of Title 18, U.S.C. §1957 speak for themselves.

150. Answering paragraph 149, the Receiver admits that the provisions of Title 18, U.S.C. §1956 speak for themselves.

151. Answering paragraph 150, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

152. Answering paragraph 151, the Receiver repeats and realleges his answers to paragraphs 1 through 129 as if fully set forth herein.

153. Answering paragraph 152, the Receiver admits that the provisions of Title 18, U.S.C. §981(a)(1)(C) speak for themselves.

154. Answering paragraph 153, the Receiver admits that the provisions of Title 18, U.S.C. §1956(c)(7), 18 U.S.C. §1961(1), and 18 U.S.C. §1343 speak for themselves.

155. Answering paragraph 154, the Receiver admits that the provisions of Title 18, U.S.C. §1349 speak for themselves.

156. Answering paragraph 155, the Receiver admits that the provisions of Title 18, U.S.C. §1343 speak for themselves.

157. Answering paragraph 156, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

158. Answering paragraph 157, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

159. Answering paragraph 158, the Receiver repeats and realleges his answers to paragraphs 1 through 129 as if fully set forth herein.

160. Answering paragraph 159, the Receiver admits that the provisions of Title 18, U.S.C. §1956(b) speak for themselves.

161. Answering paragraph 160, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

162. Answering paragraph 161, the Receiver lacks knowledge or information sufficient to form a belief about the allegations therein contained, and based thereon denies the allegations therein contained.

FIRST AFFIRMATIVE DEFENSE

163. The Receiver asserts an ownership interest in each of the accounts listed at Schedule B, paragraphs 1 through 8, inclusive, of the Verified First Amended Complaint, referred to as "The Sunfirst Bank Accounts and Related Accounts," including the named accounts and all funds and property traceable thereto.

164. The Receiver claims a right, title and interest in the above-identified *in rem* assets, funds and property, all or a portion of which are claimed to be property of the receivership estate established in the FTC Action pursuant to the Preliminary Injunction Order attached as Exhibit 1 to the Verified Claim filed in this action by the Receiver on October 5, 2011 as Document 68.

SECOND AFFIRMATIVE DEFENSE

165. To the extent that Plaintiff seeks forfeiture of any assets, funds and property in which the Receiver has an interest, the Receiver is informed and believes and thereon alleges that the Receiver is an innocent owner of said interest as provided for in 18 U.S.C. §983(d).

THIRD AFFIRMATIVE DEFENSE

166. To the extent that Plaintiff seeks forfeiture of any assets, funds and property in which the Receiver has an interest, to the extent Plaintiff cannot demonstrate that such assets, funds and property constitute or are derived from proceeds traceable to any specific unlawful activity or any other crime within the meaning of 18 U.S.C. §§1955, 981, 1956 or 1961, or any other applicable federal or state statute, such assets, funds and property should be turned over to the Receiver as property of the receivership estate established in the FTC Action.

WHEREFORE, the Receiver prays for the following relief:

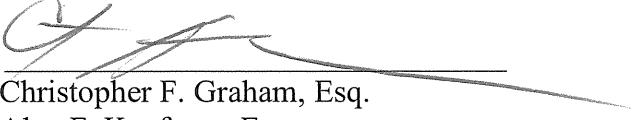
1. For a judgment that "The Sunfirst Bank Accounts and Related Accounts" listed at Schedule B, paragraphs 1 through 8, inclusive, of the Verified First Amended Complaint and all assets, funds and property traceable thereto be deemed to be property of the receivership estate established in the FTC Action and turned over to the Receiver;
2. For all applicable pre-judgment and post-judgment interest allowed by law;
3. For attorneys' fees and costs as may be allowed by law; and

4. For such other and further relief as this Court deems just and proper.

Dated: New York, New York
November 28, 2011

MCKENNA LONG & ALDRIDGE LLP

By:


Christopher F. Graham, Esq.

Alan F. Kaufman, Esq.
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Fax: (212) 922-1819
Counsel for Claimant

Robb Evans of Robb Evans & Associates LLC

-and-

Gary Owen Caris, Esq. (pro hac vice)
Lesley Anne Hawes, Esq. (pro hac vice)
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300 South Grand Avenue, 14th Floor
Los Angeles, California 90071-3124
Tel: (213) 688-1000
Fax: (213) 243-6330
Co-Counsel for Claimant
Robb Evans of Robb Evans & Associates LLC

VERIFICATION

I am the President and Chief Operating Officer of Robb Evans & Associates LLC and a deputy to the Receiver and am duly authorized to make this verification on behalf of the Receiver. I have read the foregoing Verified Answer of Robb Evans of Robb Evans & Associates LLC, Receiver. I declare under penalty of perjury that the foregoing Verified Answer of Robb Evans of Robb Evans & Associates, LLC, Receiver is true and correct to the best of my knowledge, information and belief.

Executed this 28 day of November 2011 at Los Angeles, California.



Brick Kane